

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IAN LYONS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 1:21-cv-11489
MORNINGSTAR, INC.,)	
)	
Defendant.)	
)	
)	

**JOINT MOTION FOR STAY OF PROCEEDINGS
AND REQUEST FOR REFERRAL TO MEDIATION**

Plaintiff Ian Lyons and Defendant Morningstar, Inc. (together, the “Parties”) by and through their undersigned counsel, jointly move for an order: (1) staying all proceedings in this action pending mediation; and (2) referring this matter to Magistrate Judge Marianne B. Bowler for mediation. In support of this motion, the Parties state:

A. BACKGROUND

1. On July 30, 2021, Plaintiff filed the Complaint in the Superior Court of the Commonwealth of Massachusetts, Middlesex County. Defendant removed this action to the United States District Court for the District of Massachusetts on September 10, 2021. *See* ECF Dkt. 1.

2. On September 24, 2021, Defendant answered the Complaint and asserted a Counterclaim against Plaintiff. *See* ECF Dkt. 8. Plaintiff answered Defendant’s Counterclaim on October 15, 2021. ECF Dkts. 8, 15.

3. After the Scheduling Conference with this Court, the Parties commenced discovery.

4. The Parties have worked collaboratively throughout discovery. To date, the Parties have entered a Stipulated Protective Order (ECF Dkt. 22), exchanged written discovery, and Defendant has taken a portion of Plaintiff's deposition.

5. The Parties have requested two extensions of their discovery deadlines, which were granted by the Court. ECF Dkts. 24, 27. Fact discovery is currently scheduled to close on October 1, 2022. *Id.*

6. On August 24, 2022, Defendant deposed Plaintiff. During the deposition, it was revealed that Plaintiff is in possession of documents that are responsive to Defendant's requests but have not yet been produced. Plaintiff has undertaken to make a supplemental production in advance of a second day of Plaintiff's deposition.

7. On August 26, 2022, Plaintiff served a deposition notice under Federal Rule of Civil Procedure 30(b)(6) seeking the deposition of a corporate representative of Morningstar, Inc.

B. REFERRAL TO MEDIATION

8. The Parties have conferred regarding a potential resolution and have agreed to mediate the dispute.

9. The Parties request that this matter be referred to Magistrate Judge Marianne B. Bowler for mediation, if Judge Bowler is available to serve as a mediator.

10. Following a mediation, the Parties will submit a status report to the Court within fourteen days stating whether the Parties have reached a resolution, require additional time, or intend to proceed with litigation. If the Parties intend to proceed with litigation, they will submit a proposed scheduling order to the Court, which may include a request to extend the fact discovery deadline, which currently expires on October 1, 2022.

C. STAY OF ALL PROCEEDINGS

11. To allow the Parties to focus their efforts on a potential resolution, the Parties respectfully request the Court issue a stay of all pending deadlines in this action.

12. The Parties believe such a stay of proceedings (followed by limited post-stay discovery, if necessary) will allow for the most efficient use of the resources of both this Court and the Parties while the Parties mediate this dispute.

WHEREFORE, the Parties respectfully request that this motion be granted and that the Court issue an order: (1) staying all proceedings in this action pending mediation; and (2) referring this matter to Magistrate Judge Marianne B. Bowler for mediation.

Respectfully submitted,

IAN LYONS,

/s/ Brendan P. Slean

J. Mark Dickison, BBO# 629170

Brendan P. Slean, BBO# 699253

LAWSON & WEITZEN, LLP

88 Black Falcon Ave, Suite 345

Boston, MA 02210

Tel. (617) 439-4990

mdickison@lawson-weitzen.com

bslean@lawson-weitzen.com

Counsel for Plaintiff

Dated: September 8, 2022

MORNINGSTAR, INC.,

/s/ Gabriel S. Gladstone

Siobhan E. Mee, BBO# 640372

Gabriel S. Gladstone, BBO# 690460

MORGAN, LEWIS & BOCKIUS LLP

One Federal Street

Boston, MA 02110

Tel. (617) 341-7700

siobhan.mee@morganlewis.com

gabriel.gladstone@morganlewis.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2022, the foregoing document was filed through the ECF system and sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Gabriel S. Gladstone